

**LEVIN-EPSTEIN & ASSOCIATES, P.C.**

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420 Lexington Avenue • Suite 2525 • New York, New York 10170  
T: 212.792-0046 • F: 646.786-3170  
E: [Jason@levinestein.com](mailto:Jason@levinestein.com)

March 12, 2020

**Via Electronic Filing**

The Honorable Magistrate Judge Barbara C. Moses  
U.S. District Court Southern District of New York  
500 Pearl St.  
New York, NY 10007-1312

**Re:** *Smith v. BRP Development Corporation et al*  
Case No.: 1:19-cv-11794

Dear Honorable Magistrate Judge Moses:

This law firm is counsel to Defendants United DBT Security Corp. and Darryl Brown (incorrectly sued herein as “Darrul Brown”) (together, the “**Defendants**”) in the above-referenced matter

Pursuant to Your Honor’s Individual Motion Practice Rule 1(a) and 2(a), this letter respectfully serves as a request to adjourn the Settlement Conference scheduled for March 16, 2020 at 2:15 p.m. to a date and time set by the Court after April 16, 2020.

The basis of the adjournment is that the Defendants are exchanging additional business records regarding the allegations in the Complaint with Plaintiff, and wish to continue settlement discussions without necessitating Court intervention, thereby saving resources and time.

A separate basis also necessitates an adjournment of the March 16, 2020 Settlement Conference. The undersigned is making arrangements to work remotely for the foreseeable future in light of the COVID-19 virus (coronavirus) outbreak, and will therefore be unable to attend an in-person settlement conference. *See In re: Restrictions on Visitors to Courthouses*, Administrative Order No. 2020-05 (E.D.N.Y March 9, 2020).

This is the first request for an adjournment of the settlement conference. Plaintiff’s counsel has objected to this request on the basis that he believes that the parties are too far apart at this time to proceed with a Settlement Conference. Defendants’ intention is to comply with Your Honors’ February 18, 2020 Order, which scheduled a settlement conference. *See In re A.T. Reynolds & Sons, Inc.*, 452 B.R. 374, 384 (S.D.N.Y. 2011) *citing John Lande, Using Dispute System Design Methods to Promote Good-Faith Participation in Court-Connected Mediation Programs*, 50 UCLA L. Rev. 69, 84 (2002) (noting that a Court may require parties to appear for alternative dispute resolution).

This adjournment would not affect any other scheduled deadlines.

In light of the foregoing, Defendants respectfully request that the settlement conference scheduled for March 16, 2020 at 2:15 p.m., be adjourned a date and time set by the Court after April 16, 2020.

Thank you, in advance, for your time and consideration.

Respectfully submitted,  
LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi  
Jason Mizrahi  
420 Lexington Avenue, Suite 2525

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New York, New York 10170  
Tel. No.: (212) 792-0048  
Email: [Jason@levinestein.com](mailto:Jason@levinestein.com)  
*Attorneys for Defendants United DBT Security Corp. and Darryl Brown*

VIA ECF: All Counsel